

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

And

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

W.A.NO.256 OF 2006

-

Between:

Ashwin Kumar

.....Appellant

AND

G.Chandra Sekhar and another.

.....Respondents

::JUDGMENT::

Counsel for the Appellant : Sri Prem Raj

Counsel for Respondent No. 1 : none

Counsel for Respondent No. 2 : Sri Islamuddin Ansari for Sri

Ghanta Rama Rao

Dated 3/4/2006

Per Sri G.S.Singhvi, CJ

This appeal is directed against order dated 1.2.2006 passed by the learned Single Judge in Writ Petition No.1921 of 2006, whereby he directed Municipal Corporation of Hyderabad to take necessary action in the matter of alleged illegal construction made by respondent No.2 (appellant herein).

The appellant has challenged the order of the learned Single Judge mainly on the ground of violation of the rules of natural justice by contending that the same was passed without issuing notice to him.

Learned counsel for respondent No.1 fairly admits that the writ petition filed by his client was disposed of by the learned Single Judge without issuing notice to the present appellant.

In view of the fair stand taken by the counsel for respondent No.1, we do not

consider it necessary to decide the appeal by recording a detailed order. In our opinion, the order of the learned Single Judge is liable to be set aside on the ground of violation of the rules of natural justice because it is an admitted position that before directing Municipal Corporation of Hyderabad to take action against the present appellant, the learned Single Judge neither issued notice nor gave opportunity to the appellant to represent his case.

In the premise aforementioned, the appeal is allowed. The order of the learned Single Judge is set aside and Writ Petition No.1921 of 2006 is remitted to the learned Single Judge for fresh adjudication.

As a sequel to the disposal of the appeal, WAMP Nos.434 and 525 of 2006 are disposed of as infructuous.

G.S.SINGHVI, CJ

Dt.3/4/2006

G.BHAVANI PRASAD, J

Msv/vtv